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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,564	07/02/2003	Dennis R. Berman	R0356-00004	5486
28422	7590	10/25/2006	EXAMINER	
HOYT A. FLEMING III P.O. BOX 140678 BOISE, ID 83714			CRABTREE, JOSHUA DAVID	
			ART UNIT	PAPER NUMBER
			3714	
DATE MAILED: 10/25/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/613,564

Applicant(s)

BERMAN, DENNIS R.

Examiner

Joshua D. Crabtree

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 7/28/2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. In response to the amendment dated 7/28/2006; claims 1-27 pending.

### *Drawings*

2. The drawings were received on 7/28/2006. These drawings are accepted, and the previous rejection with respect to the drawings is withdrawn.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1-3, 6, 5, 7, 10-13, 15, 16, 18-20, 22, 24-26 are rejected under 35 U.S.C. 102(a) as being anticipated by Braunberger et al. (US 2003/0077559).

With regard to claims 1, 11, 18, 25, and the limitations of presenting on a display, using a graphical user interface, one or more unfamiliar learning entities in a contextual presentation, Braunberger et al. disclose a system in which educational tasks are presented to the user (Paragraph [0009]). These tasks may include asking questions, or requiring the user to read portions of learning material (Paragraph [0024]). With regard

to using a graphical interface, Braunberger et al. disclose that the user may interact via a testing graphical user interface (Paragraph [0026]).

With regard to the limitation of prompting the learner to memorize the unfamiliar learning entities for two or more times in view of the contextual presentation, Braunberger et al. disclose that an educational task may be presented repeatedly to a learner (Paragraph [0009]). Braunberger et al. disclose that the educational tasks are used to help the student memorize materials (Paragraph [0021]).

With regard to the limitation of presenting on the display, using the graphical user interface, the contextual presentation to the learner with one or more selected learning entities missing therefrom, the missing learning entities being expected to be input into the computer by the learner to complete the contextual presentation, and receiving the learning elements provided by the user, Braunberger et al. disclose presenting questions to the user, pertaining to the educational task, and receiving answers from the user (Paragraph [0031]).

With regard to the limitation of evaluating at least one received learning element before the learner completes the learning entity, and presenting on the display, using the graphical interface, a visual feedback in real time to the learner indicating incorrectness of the provided learning element, Braunberger et al. disclose displaying the words "Correct", or "Incorrect", depending on the user's answers (Paragraph [0031 - 0032]).

With regard to claim 18, and the limitation wherein the aforementioned is performed via computer program on a computer readable storage medium, Braunberger et al. disclose that a computer may be used to implement the invention (Paragraph [0022]).

With regard to claims 2, 12, and 19, and the limitation wherein, if a first learning element is evaluated to be incorrect by the computer, then the computer prohibits the learner from providing a second learning element subsequent to the first learning element, Braunberger et al. disclose that if a user answers incorrectly, the system will require the user to answer the question again (Paragraph [0032]). The question and answer process may be repeated for the same question, until a criterion is met (Paragraph [0009]).

With regard to claims 3, 6, 13, and 20, and the limitation of hinting the learner by displaying a learning element of one or more of the learning entities, Braunberger et al. disclose that the user may request a hint (Paragraph [0033]). The hint provided may be the first letter of the correct answer (Paragraph [0078]).

With regard to claims 5, 15, 16, and 22, and the limitation of allowing the learner to identify one or more learning entities for receiving a hint thereof if the learner can not recall the identified learning entities. Braunberger et al. disclose that the user may choose to receive a hint (Paragraph [0032]). The user may press a "hint button" to request the hint (Paragraph [0044]).

With regard to claims 7 and 26, and the limitation wherein the learning entity is a word and the learning element is a character, Braunberger et al. disclose that the system may be used for memorizing materials in learning a foreign language (Paragraph [0021]). Memorization of foreign language words would require the user to memorize the spelling of the words.

With regard to claims 10 and 24, and the limitation wherein the presentation is in a question and answer form in which the learning entities are in the answer, Braunberger et al. disclose presenting questions, and requiring the user to answer the questions (Paragraph [0031]).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claim 8 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Braunberger et al. in view of Wilson (US 6,186, 795).**

With regard to claim 8, Braunberger et al. disclose that the system can be used to teach memorization (Paragraph [0021]). Braunberger also discloses that the topics used

in the invention may include math, which would contain alphanumeric characters and numerals. However, Braunberger does not explicitly disclose requiring the student to memorize alphanumeric characters or numerals. Wilson teaches a memorization system designed to assist a student in memorizing numeric and textual information (Col. 1, lines 53-59; see also Fig. 2) It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Wilson into the invention of Braunberger in order to provide a memorization system in which the user learns to memorize alphanumeric characters and numerals. A system using numeric characters would have the benefit of being applicable to science, engineering or math classes in which alphanumeric characters are encountered.

**5. Claims 4, 9, 14, 17, 21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Braunberger et al. in view of Parry et al. (US 6,077,085).**

With regard to claims 4, 14, and 21, Braunberger et al. disclose presenting the first letter of the correct answer as a hint (Paragraph [0078]). Braunberger et al. do not disclose presenting additional letters or characters as hints. Parry et al. teach the feature of revealing a few characters of a missed word as a hint. Parry et al. teach that this feature is a powerful aid for recalling the entire word (Col. 25: 52-61). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Parry et al. into the invention of Braunberger et al. in order to provide a hint feature which displays more than just one character of the missed word. As taught

by Parry et al., this feature could be a useful aid in helping the student recall the entire word.

With regard to claims 9, 17, and 23, Braunberger et al. disclose providing feedback indicating correctness of a response (Paragraphs [0031 - 0032]). Braunberger does not explicitly disclose highlighting the missed word on the display. Parry et al. teach the feature of highlighting the errors made by the student (Col. 24, lines 44-46). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Parry et al. into the invention of Braunberger in order to provide feedback indicating, via highlighting, which word was answered incorrectly.

#### *Response to Arguments*

6. Applicant's arguments with respect to claims 1, 5-7, 10, 11, 15, 16, 18, and 25 have been considered but are moot in view of the new ground(s) of rejection.

#### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO



MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Crabtree whose telephone number is 571-272-8962. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JC  
Joshua D. Crabtree  
August 18, 2006

JOE CHENG  
PRIMARY EXAMINER

Advised 8-18-06  
O I P E I A P O  
JUL 28 2006  
PATENT & TRADEMARK OFFICE

App. No. 10/613,564  
Amendment Dated July 28, 2006  
Reply to Office Action dated April 28, 2006  
Replacement Sheet

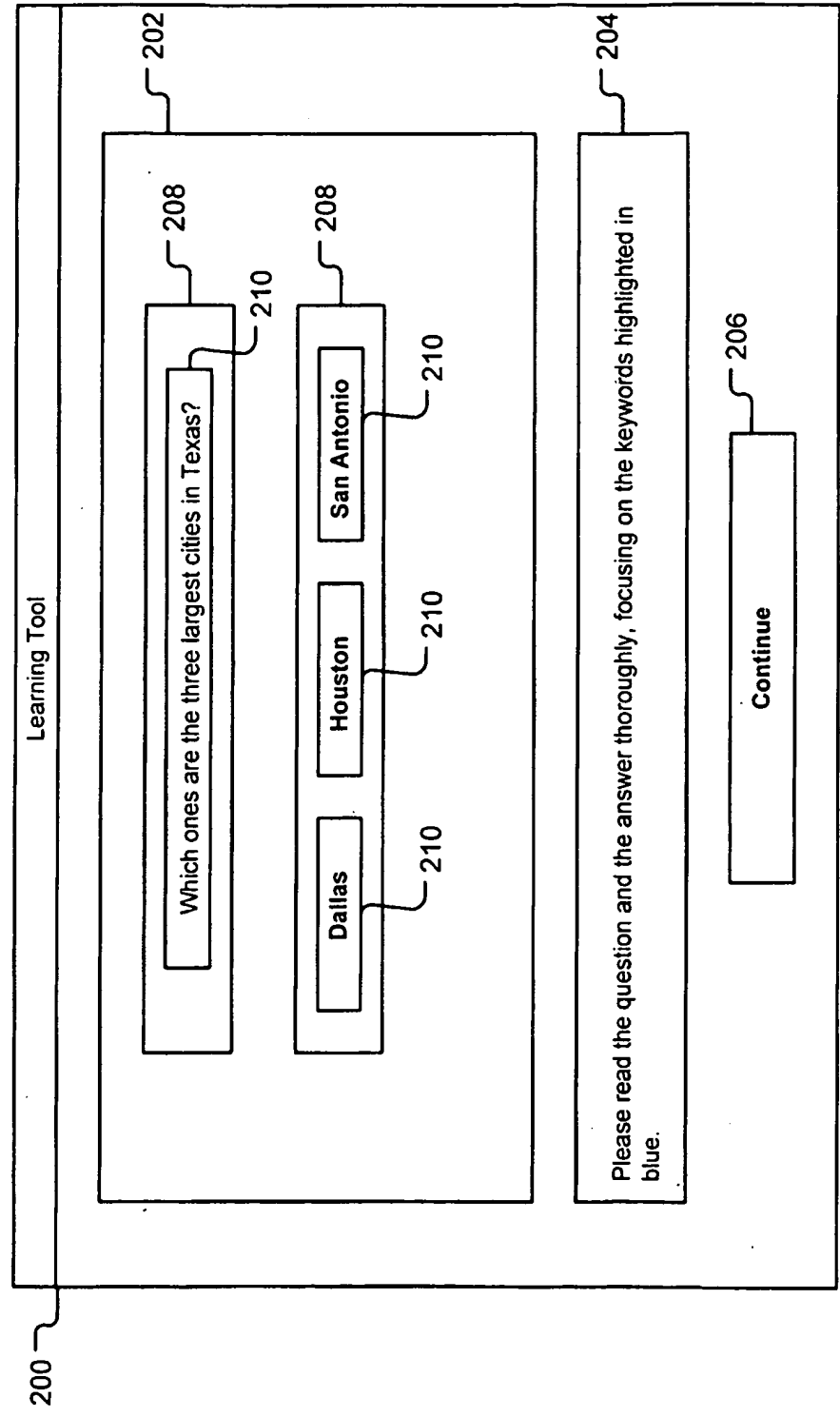


FIG. 2